

**REMARKS**

This paper is responsive to the Office Action dated January 9, 2006 (“the Office Action”).

Claims 1, 3-7, 10-43, and 70-82 were previously pending in the application.

Claims 1, 3-7, 10-43, and 70-82 stand rejected.

Claims 16, 17, and 28 are under objection.

No claims have been added, amended, or cancelled.

Accordingly, claims 1, 3-7, 10-43, and 70-82 remain pending.

Claims 1, 3-7, 10-43, and 70-82 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 3-7, 10-14, 17-26, 29-43, 70, 71, and 73-82 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,361,347 issued to Glider et al. (“*Glider*”).

Applicant offers that the claims are allowable and respectfully requests reconsideration of the pending objections and rejections in view of the following remarks.

**Formal Matters**

Applicant gratefully acknowledges the Examiner’s indication of allowability for pending claims 16, 17, and 28. At this time, Applicant wishes to maintain these claims in dependent form, in view of the following discussion. While Applicant has not elected to do so at this time, Applicant reserves the right to rewrite the indicated claims in independent format at a later date.

Declaration

The Office Action requests that a corrected Declaration be submitted, since the Declaration filed on August 20, 2001 does not include a signature from one of the inventors, Ali N. Saleh.

Applicant respectfully submits that no corrected Declaration is needed, since Applicant has previously filed a PETITION UNDER 37 C.F.R. § 1.47(a) IN CONNECTION WITH AN INVENTOR WHO REFUSES TO SIGN THE DECLARATION. A copy of this Petition is included herewith, along with a copy of the documents supporting the petition.

As set forth in MPEP § 409.03(a), “An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.” Accordingly, in view of the above-mentioned Petition, and for the reasons set forth therein, Applicant respectfully submits that the current Declaration (copy enclosed) be accepted without the signature of Ali N. Saleh.

Rejections under 35 U.S.C § 112, second paragraph

Claims 1, 3-7, 10-43, and 70-82 stand rejected under § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to independent claim 1, the Office Action takes exception to the claim language of “a generic section containing information applicable to each of said plurality of said resource types,” and “a resource-specific section containing information applicable to said one resource type.” The Office Action states that this it is not clear what is meant by this claim language.

Claim 1 reads as follows.

1. A resource management system for a communications system comprising:  
a resource manager; and  
a resource control block, wherein  
    said resource control block corresponds to a resource of said communications  
    system,  
    said resource is of one resource type of a plurality of resource types,  
    said resource control block maintains information regarding said resource,

said resource control block comprises a generic section containing information applicable to each of said plurality of said resource types, said resource control block comprises a resource-specific section containing information applicable to said one resource type, and said resource manager is configured to assign an identifier to said resource control block.

Applicant respectfully submits that the claim language is clear on its face. The claim is directed to a resource management system and includes limitations of a resource manager and a resource control block. As set forth in the claim, the resource control block maintains information regarding a resource. Several resource types are contemplated; the resource is of one resource type out those several resource types.

The resource control block includes sections. One of the sections is a generic section: the generic section contains information applicable to each of the plurality of resource types. Another of the sections is a resource-specific section: the resource-specific section contains only information applicable to the one resource type.

The generic section may therefore be understood as “generic” in that it is not limited to information regarding the one specific type of resource associated with the resource control block. Similarly, the resource-specific section may be understood as “resource-specific” in that it is specifically limited to information regarding the one specific type of resource associated with the resource control block. This understanding comes directly from the claim language itself. Accordingly, Applicant respectfully submits that the claim language regarding generic and resource specific sections would be readily understood to a person having ordinary skill in the art, and is not unclear under § 112, second paragraph.

Further, the Specification provides examples of generic and resource-specific sections in a resource control block. For example, such sections are described on page 5 of the Specification.

According to yet another embodiment of the present invention, a resource management system is described. The resource management system provides for the management of a communications system, which may include a processor communicatively coupled to a resource that is to be managed, for example. The resource management system includes a resource manager. **The system processor is configured to execute the resource manager and to create a resource control block.** The resource control block is configured to store information regarding the resource. The resource manager is configured to maintain the resource control block.

**In the case where the resource is of one resource type of a number of such resource types, a resource control block can include both generic and resource-specific sections. Such a generic section contains information applicable to a number of the resource types, while the resource-specific section contains information applicable to the one resource type.** The resource being managed may be, for example, a hardware component or a software module of the communications system.

Specification at 5 (emphasis added). See also, e.g., Specification at 29-30.

The claim language is therefore clear in itself. Further, any questions regarding the meaning of generic and resource-specific sections in a resource control block would be readily resolved in view of the Specification by a person having ordinary skill in the art. Thus, Applicant respectfully submits that the language of claim 1 is not unclear under § 112, second paragraph, and respectfully requests that the rejection under § 112, second paragraph of claim 1 be withdrawn. At least for similar reasons, Applicant respectfully requests that the rejections under § 112, second paragraph of claims 3-7, 10-43, and 70-82 also be withdrawn.

*Rejections under 35 U.S.C § 102(b)*

Claims 1, 3-7, 10-14, 17-26, 29-43, 70, 71, and 73-82 stand rejected under § 102(b) as being anticipated by *Glider*. While not conceding that the Examiner's cited reference qualifies as prior art, but instead to expedite prosecution, Applicant has elected to respond to the pending rejections as follows. The following arguments are made without prejudice to Applicant's right to establish, for example in a continuing application, that one or more of the cited references do not qualify as prior art with respect to an invention embodiment currently or subsequently claimed.

Applicant respectfully submits that the claims are allowable under § 102(b) because the cited art fails to disclose each limitation of the pending claims. For example, the resource management system of claim 1 includes a resource control block that corresponds to a resource of a communications system. The resource is of one resource type of a plurality of resource types. Further, the resource control block in claim 1 includes "a resource-specific section containing information applicable to said one resource type." Such a feature is simply not disclosed in *Glider*.

With regard to this limitation, the Office Action cites a section from the following passage of *Glider*. This passage refers to *Glider*'s "resource control blocks" (RCB) that control access to resources. This passage introduces a flexibility for *Glider*'s concept of a resource, so that such a resource may be single resource (a simple resource) or a collection of child resources (a compound resource). *Glider*'s RCB includes an indicator of whether a resource is simple or compound.

Field 207 (see FIG. 2) of the RCB indicates whether it is a compound or simple resource.

Each compound resource is a collection of resources related according to some function, such as an OR collection or an AND collection of lower level resources. Other possible functions include a minimum number of peers or a special peer which must always be present. Accordingly, it will be understood that the references herein to OR and AND functions could be any other function as well. The resources which are part of a collection of resources may themselves be either simple or compound. The OR/AND relationship is also indicated in field 207. An OR relationship between a compound resource and its associated child resources implies that a user can use the compound resource if any of its associated resources are in a state which allows usage. For example, if there are two disk drives which are interchangeable in their operation, and either of them may be chosen for use, an OR compound resource is created consisting of the OR combination of the two simple resources. For example, PAC 122A is an element as is DSC 106.

Likewise, an AND relationship between a compound resource and its associated child resources implies that a user can use the compound resource only if all of the associated child resources are in a state permitting usage. For example, if a data path in a printed circuit board consists of three hardware modules, and all hardware modules must be operational to allow the data path to be operational, a compound parent resource is created consisting of the AND combination of the three simple hardware resources.

*Glider* at col. 7, lines 10-42.

These passages from *Glider* describe two possible relationships among the resources in a compound resource. In an "OR" collection, a compound resource is usable if *any* of its associated resources are in a state that allows usage. Conversely, in an "AND" collection, a compound resource is usable only if *all* of its associated resources are in a state that allows usage. This distinction is reflected at only one place in the RCB: a field 207. The *Glider* RCB includes the field 207 to indicate the "AND" or "OR" characteristic of a compound resource. The field 207 of the *Glider* RCB shows whether a *Glider* resource is a compound resource or a simple resource.

The Office Action proposes that the field 207 from *Glider* is “a resource-specific section containing information applicable to said one resource type.” Applicant respectfully disagrees.

The *Glider* RCB is depicted as block 200 in FIG. 2 of the cited reference. The structure of the RCB is discussed, e.g., in columns 4-7 of *Glider*. However, none of the elements of the RCB in block 200 is a resource-specific section containing only information applicable to the one resource type of the resource.

In particular, the field 207 from *Glider* is not such a section. The field 207 is a flag that identifies the type of resource (COMPOUND/AND, COMPOUND/OR, or SIMPLE). However, as described in *Glider*, the field 207 is used in all of *Glider*’s RCBs, and the information in this field 207 is needed for every type of resource. The field 207 is therefore not used specifically with only one type of resource. Rather, the field 207 is used with all types of resources in *Glider*, to identify the type of the resource. Further, the information in field 207 is not specific to one type of resource: field 207 is a flag that is needed for any and all resources contemplated by *Glider*. Accordingly, the cited art does not teach or describe the use of **a resource-specific section containing information applicable to one resource type**. For at least this reason, the cited art does not disclose each limitation of pending independent claim 1.

For at least similar reasons, the cited art does not disclose each limitation of pending independent claims 18, 31, and 70. Applicants therefore submit that independent claims 1, 18, 31, and 70, and all remaining claims depending directly or indirectly therefrom, are allowable under § 102(b). Accordingly, Applicants respectfully request that the rejections under § 102(b) be withdrawn.

#### Dependent Claim 17

Regarding claim 17, the Office Action indicates on page 3 that this claim stands rejected under § 102(b). Applicant understands this indication to be a typographical error, since the Office Action does not provide a reasoning to support this rejection. Further, the Office Action indicates on page 5 that claim 17 would be allowable if rewritten in independent form. Accordingly, Applicant understands that claim 17 is does not stand rejected under § 102(b). Applicant respectfully requests a clarification that claim 17 is not rejected under § 102(b), or

alternatively, a clarification of the rejection so that Applicant may have an appropriate opportunity to respond.

CONCLUSION

Applicant submits that all claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AE, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia, 22313-1450, on April 28, 2006.

  
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Attorney for Applicant

2006 APR 28  
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Date of Signature

Respectfully submitted,



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